Chapter 14.16 PARK AND OPEN SPACE DEDICATION

Purpose and Intent

The purpose of park and open space land dedication is to guarantee the preservation of wildland and natural habitats so that the citizens of Lakewood and visitors to our city can enjoy and be enriched by communion with nature. Equally important is preserving the birds, trees and other flora and fauna within our parks and open spaces, to protect and sustain the beauty of our natural environment that makes our city unique and alluring. The conservation of wildlife will ensure that our residents can access the rich, natural heritage our city has to offer, and will also protect and maintain wild habitats for future generations. Lakewood's future as a sustainable, regenerative and healthy place to live depends on our preservation of open spaces and parkland.

14.16.010 Scope and application.

Each development containing residential land uses shall dedicate to the city park sites and open space areas in accordance with the provisions of this title. Except as provided in this section, at the discretion of the Community Resources Director (Director), fees in lieu of dedications shall be levied as set forth herein. The Director shall use current, adopted city planning documents as a guide for determining park and recreation needs in proximity to the proposed development area. The park and open space requirements in this Chapter 16 shall be reasonably related to the needs of the residents of the proposed development. All developments containing residential uses greater than 14.99 acres in size shall dedicate land in accordance with this Chapter 16 unless the City Council approves a fee in lieu alternative. These requirements apply to all current and future developments including applications in process that do not have all building permits approved and paid for.

(Ord. O-2019-24 § 4, 2019; Ord. O-2018-4 § 1, 2018; Ord. O-89-3 § 5 (part), 1989: Ord. O-83-137 § 1 (part), 1983).

14.16.020 Park standards.

For purposes of this title, the city's park standards shall be a minimum of 10.5 acres of park area per 1,000 anticipated population within the proposed development. This standard of 10.5 acres per 1,000 population is composed of the following elements:

A. Five acres per 1,000 population for regional parks;

B. Three acres per 1,000 population for community parks;

C. 2.5 acres per 1,000 population for neighborhood parks.

(Ord. O-2018-4 § 1, 2018; Ord. O-83-137 § 1 (part), 1983).

14.16.030 Regional parks provided.

The City Council determines, as of the time of adoption of the ordinance codified in this chapter, that the regional park needs of the residents of the City of Lakewood are satisfied by Bear Creek Lake Park, William Frederick Hayden Park, the Bear Creek Greenbelt, Jefferson County Parks, and State of Colorado parks to the west and south of the City of Lakewood. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the City of Lakewood. Consequently, that the operating standard for dedication of parkland shall be 5.5 acres of parkland per 1,000 population for community parks and neighborhood parks.

14.16.040 Calculation of land dedication requirements for park and open space.

A. *Parkland Standard.* All residential developers shall provide a minimum of 5.5 acres of park area per 1,000 anticipated population or cash in lieu thereof, except for developments of 14.99 acres or greater where no fee-in-lieu option shall be applicable. within the proposed development.

B. *Density Factor.* To provide an estimated and equitable population standard among different housing types, a density factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:

1. Single-family detached = 3.00

2. Single-family or multi-family attached = 1.50

3. Senior housing = 1.25

C. *Example calculation.*

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required:

10 development acres × 10 units/acre × 1.5 density factor × 5.510.5 acres parkland/1000 people = .8251.575 acres of parkland required.

D. *Dwelling Unit Changes.* If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent, the developer shall be required to adjust either the amount of parkland dedicated consistent with the aforementioned provisions and formula or the amount of cash in lieu thereof to provide for the change in units.

E. At the discretion of the Director, all or a portion of When the calculation results in land dedication of fewer than 0.3 acre, the park dedication required may remain in private ownership, provided the privately owned park land is open to public use. The land area that may remain in private ownership shall:

1. Not exceed an average slope of 4:1;

2. Be privately maintained; and

3. Be noted on development plans as a fulfillment of parkland dedication requirements.

14.16.050 Criteria for land eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

A. Land that is accessible from two separate locations by standard maintenance vehicles or from one location with a minimum 50-foot frontage;

B. Land or water bodies contiguous to other acceptable parkland or existing parkland;

C. Usable land within the 100-year floodway fringe that would not be inundated in a five-year storm; and

D. Special areas of natural, historical or cultural significance.

The Director will develop criteria to further define usable land.

14.16.060 Criteria for land not eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

A. Land required by city's zoning code for private open space;

B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;

C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and

D. Hazardous geological land area, mineral extraction areas and hazardous wildfire areas.

14.16.070 Procedure/fee determination.

A. All land dedications, and/or fee requirements in lieu of land dedications, for subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval. The Director may delay the collection of fees to the time of building permit issuance. The amount of the fee to be paid shall be the fee in effect at the time payment is made.

B. If the Director determines that a land dedication in accordance with this chapter would not serve the public interest, the Director may require payment of a fee in lieu of the dedication, or may require dedication of a smaller amount of land than would otherwise be required and payment of a fee in lieu of the portion not dedicated. The Director may also accept improvements of equal or greater value of the fee that would have been collected. The Director shall set the amount of the fee equal to the amount of the fair market value of the land that would otherwise be dedicated.

C. Fees shall be payable to the City of Lakewood and shall be designated for the acquisition and/or development of park and open space land in the same planning district as shown in Section 14.16.090.

D. In those instances where the Director elects to require a fee-in-lieu of land dedication, the Director may, subject to City Council approval, waive all or a portion of the fee requirements for individual housing units set aside for households earning no more than 80 percent of the area median income (AMI) through recorded deed restriction for a minimum period of 20 years.

14.16.080 Site development standards—General.

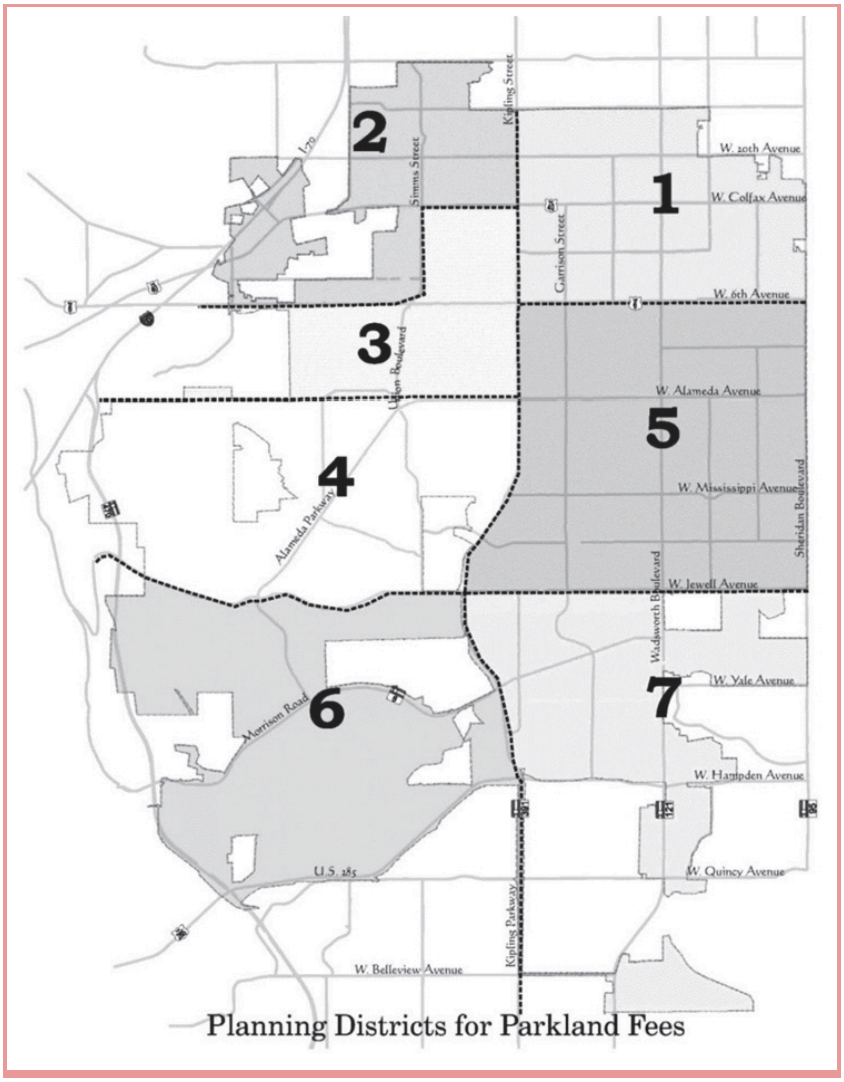
A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.

B. The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to 210 linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of an Improvement Agreement.

C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites shall be made easily accessible to city maintenance equipment.

14.16.090 Planning area map.



14.16.100 Review.

This chapter shall be reviewed by City Council every five years, beginning five years after the effective date of Ordinance O-2018-4, and no later than December 31, 2023.

14.16.110 - Severability clause

If any part, section, sentence or clause of this Ordinance shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance. Any such part, section, sentence or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this Ordinance.